IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1304 OF 2004

The Chairman/Secretary, ..Petitioners.
M/s. Om Shivam Co-op.Hsg.Society

Versus

Mrs. Sarita Manmohan Dalaya & Ors. ..Respondents.

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Mr. Amol Mhatre for Mr. P.K.Dhakephalkar for the Petitioner.

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**CORAM : S. A. BOBDE, J.**

**DATED : 05th SEPTEMBER,2005.**

**P.C.:**

1. The petitioners have challenged the order of the Joint Registrar of the Co-operative Society, refusing to interfere with the order of the Dy. Registrar, granting membership to the respondents Nos. 1 and 2 under section 22(2) of the Maharashtra Co-operative Socities Act. Admittedly the respondent No.3 -Vithal Waman Ratnakar had applied to the society for a no objection for the sale of the suit flat and this letter was acknowledged by the society on

01.10.1999. The said Vithal Waman Ratnakar made an application of transfer in favour of the respondents 1 and 2 on 1.11.1999. Admittedly, on 18.8.2000 the society has refused permission for sale. The last court of facts has found that the application for grant of membership made to the society has not been answered by the society within three months from the receipt of the application for admission and therefore, the respondents have become deemed members under section 22(2). It is not disputed on behalf of the petitioners that original application dated 30th September, 1999 was an application for obtaining no objections certificate of membership. In this view of the matter there is no error of law apparent from the order of the Joint Registrar.

2. The petition is dismissed.

DT.05.09.05 (S.A.BOBDE,J)

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